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10	Attorneys for United States of America		
11	UNITED STATES DISTRICT COURT		
12	NORTHERN DISTRICT OF CALIFORNIA		
13	SAN FRANCISCO DIVISION		
14			
15	UNITED STATES OF AMERICA,	No.: CR 18-0119 RS	
16	Plaintiff,		
17	v. )	STIPULATION AND ORDER CONTINUING MOTION HEARING AND	
18	JONATHAN AGUILAR, et al.	ADJUSTING BRIEFING SCHEDULE	
19	Defendants.		
20			
21	IT IS HEREBY STIPULATED that,		
22	For the reasons set forth below, the parties request (1) a continuance of the next hearing date, at		
23	which Round 2 motions and a status conference are to be heard, from August 10, 2021 to November 9,		
24	2021; (2) a corresponding continuance of the briefing schedule for Round 2 motions; and (3) an		
25	exclusion of time under the Speedy Trial Act from August 10, 2021 (through which Speedy Trial Act		
26	exclusions have already been ordered) through November 9, 2021.		
27	On March 9, 2020, and April 17, 2020, various defendants filed motions for discovery related to		
28	the Round 1 motions schedule. (Dkt. 251-253, 264-267). On May 22, 2020, the government filed STIP AND [PROPOSED] ORDER 1 [CR 18-0119 RS]		

responses to those motions. (Dkt. 280, 281). Various defendants have since filed replies and joinders to those responses. (Dkt. 285-288). These motions are fully briefed and have previously been set for hearing before the Honorable Joseph C. Spero on several prior dates (Dkt. 276, 309, 325, 349). The parties have previously requested continuances of this hearing date due to the defendants' desire to participate in the hearing, which remains impossible due to the global pandemic. The Honorable Chief Magistrate Joseph Spero has ordered those continuances. (Dkt. 309, 325). On May 12, 2021, Judge Spero granted the parties' request for a further continuance of Round 1 motions from May 20, 2021 to July 28, 2021. (Dkt. 349).

The parties now request that this Court continue the Round 2 motions schedule by approximately the same period (two to three months) by which the Round 1 motions have been continued. The parties are currently scheduled to brief Round 2 motions in July and August 2021. The parties also seek a corresponding Speedy Trial Act exclusion through November 9, 2021. The grounds for the requested continuance and exclusion are as follows:

The COVID-19 pandemic continues to prevent defendants from appearing in person at court proceedings. Due to the number of defendants in this case, the defendants are also unable to appear by videoconferencing at group hearings. The defendants wish to personally participate in these substantive motion hearings. It is the parties' hope that, with additional time, the defendants will be able to participate in the hearings either in person or by teleconference.

Since the Court last granted the parties' prior stipulation for a continuance (Dkt. 336), the parties have continued to regularly meet and confer informally by telephone and/or letter regarding discovery issues in an ongoing effort to resolve issues without the Court's intervention. The government continues to gather and produce discovery previously requested by defense counsel. For example, on April 29, 2021, the government produced approximately 700 pages of discovery materials responsive to previous defense requests. Additionally, the parties have met and conferred several times regarding the government producing thousands of additional pages of discovery pursuant to a stipulated protective order, and the government anticipates being able to make that production soon. As it previously stated, the government hopes that completing discovery in this time period will allow for more expeditious motion practice and trial setting.

1	Based on the above, the parties request that the Court continue the Round 2 motion briefing		
2	schedule as follows:		
3	Defense Filing Date: September 28, 2021		
4	Government Oppositions: October 26, 2021		
5	Defense Replies: November 2, 2021		
6	Motion Hearing Date: November 9, 2021 at 10:00 a.m.		
7	The parties agree that, in light of the above, the ends of justice served by granting a continuance		
8	through and including November 9, 2021, outweigh the best interest of the public and the defendants in		
9	a speedy trial, within the meaning of 18 U.S.C. § 3161(h)(7)(A). The parties also agree that this case is		
10	so complex, due to the number of defendants and the nature of the prosecution, that it is unreasonable to		
11	expect adequate preparation for pretrial proceedings and for the trial itself within the otherwise-		
12	applicable time limits, within the meaning of 18 U.S.C. § 3161(h)(7)(B)(ii).		
13	The parties further agree that failure to grant the continuance would unreasonably deny defense		
14	counsel the reasonable time necessary for effective preparation, taking into account the exercise of due		
15	diligence, within the meaning of 18 U.S.C. § 3161(h)(7)(B)(iv).		
16	SO STIPULATED.		
17	Dated: May 18, 2021 STEPHANIE M. HINDS		
18	Acting United States Attorney		
19	By: /s/		
20	ANDREW M. SCOBLE RAVI T. NARAYAN		
21	RICHARD EWENSTEIN Assistant United States Attorneys		
22	Assistant Office States Actionicy's		
23	Dated: May 18, 2021 /s/ MARTHA BOERSCH		
24	Counsel for Jonathan Aguilar		
25	Dated: May 18, 2021 /s/		
26	JULIA MEZHINSKY JAYNE Counsel for Juan Carlos Gallardo		
27	Dated: May 18, 2021 /s/		
28	HARRIS BRUCE TABACK  STIP AND [PROPOSED] ORDER 3 [CR 18-0119 RS]		

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		Counsel for Orlando Carlos Hernandez
1	D-4-1, M 10, 2021	
2	Dated: May 18, 2021	/s/ MARK GOLDROSEN
3		PAM HERZIG DONALD KNIGHT
4		AMY P. KNIGHT Counsel for Michael Rebolledo
5	Dated: May 18, 2021	/s/
6	Dated. Way 16, 2021	GEORGE C. BOISSEAU Counsel for Mario Reyes
7	Dated: May 18, 2021	/s/
8	Dated. Way 16, 2021	SHAFFY MOEEL
9		JAMES S. THOMSON Counsel for Eddy Urbina
10		
11	Dated: May 18, 2021	/s/ ETHAN A. BALOGH
12		Counsel for Weston Venegas
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STIP AND [PROPOSED] ORDER [CR 18-0119 RS]

1 **ORDER** 2 THE COURT ORDERS THAT the previous briefing schedule for the second round of motions is 3 continued as follows: Defense Filing Date: September 28, 2021 4 5 Government Oppositions: October 26, 2021 Defense Replies: November 2, 2021 6 7 Motion Hearing Date: November 9, 2021 at 10:00 a.m. 8 THE COURT ORDERS THAT a status hearing is also set for November 9, 2021, at 10:00 a.m. 9 THE COURT FINDS THAT the ends of justice served by granting a continuance from August 10, 2021, through and including November 9, 2021, outweigh the best interest of the public and the 10 11 defendants in a speedy trial, within the meaning of 18 U.S.C. § 3161(h)(7)(A). THE COURT FURTHER FINDS THAT this case is so complex, due to the number of 12 13 defendants and the nature of the prosecution, that it is unreasonable to expect adequate preparation for pretrial proceedings and for the trial itself within the otherwise-applicable time limits, within the 14 15 meaning of 18 U.S.C. § 3161(h)(7)(B)(ii). THE COURT FURTHER FINDS THAT, to allow time for the parties to address ongoing 16 discovery issues which, in turn, will affect pretrial motions, failure to grant the continuance would 17 18 unreasonably deny defense counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence, within the meaning of 18 U.S.C. § 3161(h)(7)(B)(iv). 19 Accordingly, THE COURT ORDERS THAT, the period from August 10, 2021 through and 20 including November 9, 2021 (the date of the next hearing in this case) is excluded from the otherwise 21 applicable Speedy Trial Act computation, pursuant to 18 U.S.C. § 3161(h)(7)(A), (B)(ii) & (B)(iv). 22 23 IT IS SO ORDERED. 24 DATED: May 20, 2021 25 JNITED STATES DISTRICT JUDGE 26 27

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